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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,689	06/25/2001	Phillip E. Byrd	4715US (00-1057)	1027
24247	7590	02/04/2004		
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER CHANG, RICK KILTAE	
			ART UNIT 3729	PAPER NUMBER 20
DATE MAILED: 02/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,689

Applicant(s)

BYRD, PHILLIP E.

Examiner

Rick K. Chang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 6-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza (US 5,323,107) in view of Bierig (US 4,089,734), and further in view of Rostoker et al (US 5,838,163).

D'Souza discloses in Fig. 1B substantially all the claimed limitations. Fig. 2 discloses supplying a test signal and receiving a test signal by probe elements. L1 . . . L4 are fuse elements.

D'Souza fails to disclose disposing at least some of the fuse elements immediately adjacent the at least one of the first and second surfaces and providing active fuse elements and repairable fuse elements after being tripped.

Bierig discloses disposing at least some of the fuse elements immediately adjacent the at least one of the first and second surfaces (Figs. 4A-4B) and providing repairable fuse elements after being tripped (Figs. 3A-3C shows fuse elements (39) are formed using a deposition process, as well as configured as shown in Fig. 3C to be repairable).

Rostoker discloses at least some of the plurality of fuse elements comprising at least an active fuse element (col. 23, lines 62-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify D'Souza by disposing at least some of the fuse elements immediately adjacent the at least one of the first and second surfaces and providing repairable fuse elements after being tripped, as taught by Bierig, for the purpose of shortening the length of the electrical communication between the probe and the fuse for faster reaction and saving money by repairing damaged components.

Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify D'Souza by providing at least some of the plurality of fuse elements comprising at least an active fuse element, as taught by Rostoker, for the purpose of stop conducting electric currents at a certain level without melting or vaporizing the fuse.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Souza (US 5,323,107)/Bierig (US 4,089,734)/Rostoker et al (US 5,838,163) as applied to claims 1 and 3 above, and further in view of Maruyama et al (US 5,832,595).

D'Souza/Bierig/Rostoker fail to disclose forming the fuse elements from copper.

Maruyama discloses forming the fuse elements from copper (Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bierig/Rostoker by forming the fuse elements from copper, as taught by Maruyama, for the purpose of saving production cost by using readily available and cheap material with good electrical conductivity characteristic.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

In Paper No. 17, Examiner has forwarded signed copies of PTO-1449.

Conclusion

5. **Please provide reference numerals (either in parentheses next to the claimed limitation or in a table format with one column listing the claimed limitation and another column listing corresponding reference numerals in the remark section of the response to the Office Action) to all the claimed limitations as well as support in the disclosure for better clarity. Applicants are duly reminded that a full and proper response to this Office Action that includes any amendment to the claims and specification of the application as originally filed requires that the applicant point out the support for any amendment made to the disclosure, including the claims. See 37 CFR 1.111 and MPEP 2163.06.**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick K. Chang whose telephone number is (703) 308-4784. The examiner can normally be reached on 5:30 AM to 1:30 PM, Monday through Thursday.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line and a diagonal stroke.

**RICHARD CHANG
PRIMARY EXAMINER**

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RC

February 2, 2004